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NOTE VERBALE DATED 5 NOVEMBER 1992 FROM THE PERMANENT MISSION OF SLOVENIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Slovenia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit, attached hereto, the views of the Government of the Republic of Slovenia regarding the implementation of Security Council resolution 780 (1992).

I

The Government of the Republic of Slovenia welcomes the adoption of United Nations Security Council resolution 780 (1992) of 6 October 1992 as a measure which has finally triggered off the process of gathering the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law having been committed on the territory of former Yugoslavia, and especially in the Republic of Bosnia and Herzegovina. The international community has, on many occasions, resolutely condemned the use of force in the territory of former Yugoslavia, particularly atrocious crimes in Bosnia and Herzegovina, including the existence of concentration camps in which civilians have been kept against their will and exposed to inhuman and humiliating treatment; the international community was informed of these camps through mass media as well. In spite of all efforts of the United Nations, CSCE and EC, the international community, regretfully, is still witness to great human tragedy which continues in the territory of Bosnia and Herzegovina with undiminished force; numerous outrageous crimes against humanity and flagrant violations of international law are also reflected in their most monstrous form: in the genocide as the result of the continued practice of the "ethnic cleansing".

The Republic of Slovenia is of the opinion that the Commission of Experts which was appointed by the Secretary-General pursuant to Security Council resolution 780 (1992) should immediately start to gather evidence on crimes committed against humanity and international humanitarian law as well as on suspected perpetrators. This, however, should not exclude later prosecution

of individuals who are guilty of committed crimes. In our opinion, not only those who have directly committed the crimes, but also those who gave orders or were otherwise engaged, should be prosecuted as perpetrators. Such consistent approach of the United Nations Commission of Experts would also include the question of the criminal responsibility of numerous high military officers and politicians; this would be in accordance with international criminal law and to date practice, especially the one applied in the Nuremberg trials, following the rule that also those who had given orders should be punished for the committed crimes. The Government of the Republic of Slovenia believes that such approach of the United Nations Commission of Experts could bring about the achievement of the goals set up in United Nations Security Council resolutions Nos. 771 and 780, i.e. the prevention of further violence on the territory of former Yugoslavia, especially in the Republic of Bosnia and Herzegovina.

II

With regard to the violations of humanitarian law and especially the breaches of the Geneva Conventions of 1949 (which we consider general customary law) committed by the members of the Yugoslav Army during the 10-day aggression against Slovenia, we would like to stress that the competent authorities of the Republic of Slovenia can provide documented data and information about more than 80 cases with identified and unidentified perpetrators. The authorities were, in particular, informed of violences concerning killings and injuries of civilians, indiscriminate use of weapons, bombing, shooting and destroying civilian targets and private property, looting, etc.

The competent authorities of the Republic of Slovenia have carefully examined the received information and continue to gather and complete evidence. The Republic of Slovenia is willing to provide the Secretary-General and the Commission of Experts of the United Nations with information on those cases which will be appropriately documented and classified into categories of violations of humanitarian law and breaches of the Geneva Conventions.

III

The Republic of Slovenia is further willing to cooperate with the United Nations Commission of Experts regarding the examination and analysis of charges concerning the violations of humanitarian law which occurred in the territories of the Republic of Croatia and of the Republic of Bosnia and Herzegovina. The Republic of Slovenia has given shelter to more than 70,000 temporary refugees from these areas. Among them, there are many victims or eyewitnesses of tortures, rapes and other forms of violent, inhuman and humiliating treatment, many persons who were banished or deported from their homes, interned in concentration camps and deprived of their property which was confiscated or destroyed in the process of "ethnic cleansing", as well as persons who were deprived of urgent medical care due to attacks on hospitals and dispensaries. Numerous termporary refugees eyewitnessed mass and individual killings and other violations of humanitarian law.

Concerning the above, the Republic of Slovenia is willing to enable the Commission the access to these victims or eyewitnesses who could provide some first-hand information on the committed crimes. Some of these persons are now living in the refugee camps and others are staying with families in the Republic of Slovenia.

The Republic of Slovenia is also willing to organize the interviews with the victims and eyewitnesses of grave crimes for the United Nations Commission of Experts.

The Republic of Slovenia has notified its status as a successor to former Yugoslavia with regard to the international conventions on humanitarian law, and is willing to fulfil in good faith all obligations arising from these international instruments.

Well aware of the fact that the gathering of evidence of crimes and those who committed them is a demanding process, the Republic of Slovenia is, within its competence and possibilities, ready to cooperate with the United Nations Commission of Experts. It will enable the Commission to work, gather and check evidence in the territory of the Republic of Slovenia, in accordance with the mandate and rules of procedure of the Commission. Moreover, the Government of the Republic of Slovenia is willing to furnish the Commission with any relevant information, material and documentation at its disposal.

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LETTER DATED 4 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As you may recall, the Security Council, in its resolution 771 (1992) of 13 August 1992, reaffirmed that all parties to the conflict in the former Yugoslavia are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of international humanitarian law are individually responsible in respect of such breaches. In the same resolution the Council also requested States and international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and to make this information available to the Council.

Further, the Security Council, in its resolution 780 (1992) of 6 October 1992, reaffirmed its call made in resolution 771 (1992) for the submission of substantiated information and requested that such information be made available within 30 days of the adoption of that resolution and as appropriate thereafter.

I have been instructed to inform you that the Government of Canada has, accordingly, put in place a procedure to collate available information of the type called for in Security Council resolutions 771 (1992) and 780 (1992). An information coordinator has been appointed to collate and assess relevant data. Documentation and reports from both Canadian and international sources are being drawn together into a database. Substantiated information relating to humanitarian law breaches will be made available to you. Canada expects its first report to be submitted early in the new year.

(Signed) Louise FRECHETTE
Ambassador and
Permanent Representative

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